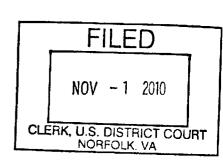
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Norfolk Division



SANFORD R.POWELL, #134079,

•

Petitioner,

.

v.

: CIVIL ACTION NO. 2:10ev164

•

GENE M. JOHNSON,

Director, Virginia Department of

Corrections,

:

Respondent. :

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition challenges only the denial of parole, and therefore, duration of confinement of the Petitioner by the Virginia Parole Board.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge filed his Report and Recommendations on October 8, 2010, recommending that Respondent's Motion to Dismiss be granted and that the petition be dismissed without prejudice. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Report and Recommendations and the time for filing objections has expired.

The Court, having reviewed the record and the findings and recommendations of the

Magistrate Judge, no objection having been made, does hereby adopt and approve the findings and

recommendations set forth in the Report of the United States Magistrate Judge filed October 8, 2010.

It is, therefore, ORDERED that the respondent's motion to dismiss be GRANTED and the petition

is DISMISSED without prejudice and that judgment be entered in favor of the Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a

written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street,

Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional

right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of

the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for

the respondent.

JEROME B. FRIEDMAN

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

November 1, 2010

2